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5 Attorneys for USACM Liquidating Trust

6 **UNITED STATES BANKRUPTCY COURT**
 7 **DISTRICT OF NEVADA**

8 In re:

9 USA Commercial Mortgage Company,

10 USA Capital Realty Advisors, LLC,¹

11 USA Capital Diversified Trust Deed Fund,
 12 LLC,

13 USA Capital First Trust Deed Fund, LLC,²

14 USA Securities, LLC,³ Debtors.

15 **Affects:**

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

Case No. BK-S-06-10725-LBR¹
 Case No. BK-S-06-10726-LBR¹
 Case No. BK-S-06-10727-LBR²
 Case No. BK-S-06-10728-LBR²
 Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under Case No.
 BK-S-06-10725 LBR

**Status And Agenda For April 10, 2009
 Hearings filed by USACM Liquidating
 Trust**

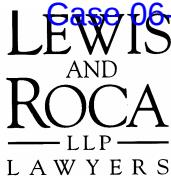
Hearing Date: April 10, 2009

Hearing Time: 9:30 a.m.

25 ¹ This bankruptcy case was closed on September 23, 2008.

26 ² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.



1

2 **Agenda for 9:30 a.m.**

3

4 1. **Status hearing re objection to claim 1279 of Lerin Hills Ltd:** 06-10725-
lbr, USA COMMERCIAL MORTGAGE COMPANY Chapter: 11

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6

Objection Filed: Objection to Claim 1279 of Lerin Hills Ltd. in the amount of with
3/13/07 Certificate of Service filed by ROB CHARLES on behalf of
USACM LIQUIDATING TRUST [DE 3080]

7

8

Reply Filed: Reply to Objection of the USACM Liquidating Trust to Proof of
6/06/07 Claim File by Lerin Hills Ltd. (Claim No. 203 & 1279) Filed by
MARJORIE A. GUYMON on behalf of MOUNTAIN WEST
MORTGAGE, LLC [DE 3904]

9

10

Status Continued from 4/26/07, 6/15/07, 12/20/07, 2/21/08, 5/8/08,
2/3/09, and 2/20/09. Lerin Hill's counsel has filed a motion to
withdraw.

11

12

13 2. **Scheduling Conference:** Adv. 08-01121-lbr, USACM Liquidating Trust v.
14 Fertitta Enterprises, Inc.

15

16

Order filed: Order Re Scheduling Conference. Scheduling Conference
1/26/09 scheduled for 4/10/2009 at 10:30 AM at LBR-Courtroom 1, Foley
Federal Bldg. [DE 39]

17

Status Ready to proceed

18

19

3. **Status Hearing re Complaint:** Adv. 08-01132-lbr, USA Capital
Diversified Trust Deed Fund LLC v. Fulton

20

21

Order filed: Order Setting Status Hearing and Setting Case for Trial. Status
2/05/09 hearing to be held on 4/10/2009 at 10:30 AM at LBR-Courtroom
1, Foley Federal Bldg.. Trial date set for 6/29/2009 at LBR-
Courtroom 1, Foley Federal Bldg. [DE 27]

22

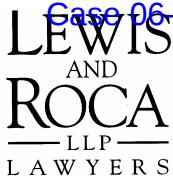
23

Status Ready to proceed

24

25

26



1 **4. Motion to Withdraw as Attorney of Record:** 06-10725-lbr, USA
 2 COMMERCIAL MORTGAGE COMPANY Chapter: 11

3 **Motion filed:** Motion to Withdraw as Attorney of Record Filed by MARJORIE
 4 2/19/09 A. GUYMON on behalf of MOUNTAIN WEST MORTGAGE,
 5 LLC [DE 6838]

6 **Status** No response filed.

7 **5. Status Hearing Re: Objection to Claim 203 of Mountain West
 8 Mortgage Co./Lerin Hills in the amount of \$2,048,000.00:** 06-10725-lbr, USA
 9 COMMERCIAL MORTGAGE COMPANY Chapter: 11

10 **Objection Filed:** Objection to Claim 203 of Mountain West Mortgage Co./Lerin
 11 3/13/07 Hills in the amount of \$2,048,000.00 with Certificate of Service
 12 filed by ROB CHARLES on behalf of USACM LIQUIDATING
 13 TRUST [DE 3078]

14 **Reply Filed:** Reply to Objection of the USACM Liquidating Trust to Proof of
 15 6/06/07 Claim File by Lerin Hills LTD (Claim No. 203 & 1279) Filed by
 16 MARJORIE A. GUYMON on behalf of MOUNTAIN WEST
 17 MORTGAGE, LLC [DE 3904]

18 **Status** Continued from 4/26/07, 6/15/07, 10/15/07, 2/21/08, 5/8/08,
 19 7/24/08, 2/3/09, and 2/20/09. Lerin Hill's council has filed a
 20 motion to withdraw. Trial is scheduled on October 8, and 9, 2009.

21 **6. Status Hearing Re: Second Amended Complaint:** Adv. 08-01125-lbr,
 22 USACM Liquidating Trust v. Eagle Ranch, LLC et al

23 **Order filed:** Order Setting Status Hearing. Status hearing to be held on
 24 2/24/09 4/10/2009 at 10:30 AM at LBR-Courtroom 1, Foley Federal Bldg.
 25 [DE 95]

26 **Stipulation filed:** Stipulation By EAGLE RANCH, LLC and Between Defendants
 27 4/03/09 Anthony Monaco, Susan Monaco and Monaco Diversified
 28 Corporation and Plaintiff USACM Liquidating Trust *to Continue
 29 Hearing on Defendant, Eagle Ranch's Motion to Dismiss Second
 30 Amended Complaint* Filed by DANA A. DWIGGINS on behalf of
 31 EAGLE RANCH, LLC [DE 118]

32 **Status** Ready to proceed.



1 7. **Amended Motion to Stay Pending Determination of Arbitrability, or**
 2 **Alternatively, to Dismiss or Stay Proceedings Pending Arbitration:** Adv. 08-01135-
 3 lbr, USACM Liquidating Trust et al v. Wells Fargo Bank, N.A.

4 **Motion filed:** *Amended Motion To Stay Pending Determination of Arbitrability,*
 5 2/20/09 *or Alternatively, to Dismiss or Stay Proceedings Pending*
 6 *Arbitration with Certificate of Service Filed by MICHAEL W.*
 7 *O'DONNELL on behalf of WELLS FARGO BANK, N.A. [DE*
 8 *104]*

9 **List of Documents**
 10 **filed:** *List of Documents Contained in Court's Courtesy Copy of*
 11 3/13/09 *Documents Relied Upon in Support of Defendant's Amended*
 12 *Motion to Stay Pending Determination of Arbitrability, or*
 13 *Alternatively, to Dismiss or Stay Proceedings Pending Arbitration*
 14 *with Certificate of Service Filed by STEVE A. PEIRCE on behalf*
 15 *of WELLS FARGO BANK, N.A. [DE 112]*

16 **Response filed:** *Response with Certificate of Service Filed by LISA TSAI on*
 17 3/13/09 *behalf of USA CAPITAL DIVERSIFIED TRUST DEED FUND,*
 18 *LLC [DE 113]*

19 **List of Filings**
 20 **filed:** *List of Filings to be Considered in Connection with Defendant's*
 21 3/14/09 *Amended Motion to Stay Pending Determination of Arbitrability,*
 22 *or Alternatively, to Dismiss Proceedings Pending Arbitration with*
 23 *Certificate of Service Filed by LISA TSAI on behalf of USA*
 24 *CAPITAL DIVERSIFIED TRUST DEED FUND, LLC [DE 115]*

25 **Stipulation filed:** *Stipulation By WELLS FARGO BANK, N.A. and Between USA*
 26 3/16/09 *Capital Diversified Trust Deed Fund, LLC and proposed Order to*
 27 *Enlarge Briefing Schedule on Defendant's Reply to Plaintiff USA*
 28 *Capital Diversified Trust Deed Fund LLC's Response to Wells*
 29 *Fargo Bank, N.A.'s Amended Motion to Stay Pending*
 30 *Determination of Arbitrability, or Alternatively, to Dismiss*
 31 *Proceedings Pending Arbitration Filed by STEVE A. PEIRCE on*
 32 *behalf of WELLS FARGO BANK, N.A. [DE 116]*

33 **Stipulation filed:** *Stipulation and Order to Enlarge Briefing Schedule on*
 34 3/17/09 *Defendant's Reply to Plaintiff USA Capital Diversified Trust*
 35 *Deed Fund LLC's Response to Wells Fargo Bank, N.A.'s*
 36 *Amended Motion to Stay Pending Determination of Arbitrability,*
 37 *or Alternatively, to Dismiss Proceedings Pending Arbitration [DE*
 38 *117]*

39 **Reply filed:** *Reply to Plaintiff's Response with Certificate of Service Filed by*
 40 3/20/09 *DEAN V. FLEMING on behalf of WELLS FARGO BANK, N.A.*
 41 *[DE 118]*

Case 06
LEWIS
AND
ROCA
— LLP —
LAWYERS

Status Continued to 4/30/09.

8. **Scheduling Conference:** Adv. 08-01135-lbr, USACM Liquidating Trust et al v. Wells Fargo Bank, N.A.

Order filed: Order Setting Scheduling Conference. Scheduling Conference scheduled for 4/10/2009 at 10:30 AM at LBR-Courtroom 1, Foley Federal Bldg. [DE 107]
2/24/09

Status Refer to Item No. 7 above.

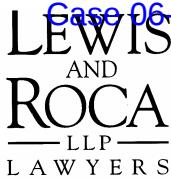
**9. Motion for Order Dismissing the First, Second, Third and Fourth
Claims for Relief With Prejudice Against Anthony Monaco, Susan K. Monaco and
Monaco Diversified Corporation Pursuant to Fed. R. Civ. P. 12(B)(6); Memorandum
of Points and Authorities: Adv. 08-01125-lbr, USACM Liquidating Trust v. Eagle
Ranch, LLC et al**

Motion filed: Motion to Dismiss (*Motion for Order Dismissing The First, Second, Third and Fourth Claims for Relief with Prejudice Against Anthony Monaco, Susan K. Monaco and Monaco Diversified Corporation Pursuant to Fed. R. Civ. P. 12(b)(6); Memorandum of Points and Authorities with Certificate of Service*) with Certificate of Service Filed by RICHARD F. HOLLEY on behalf of ANTHONY MONACO, SUSAN K MONACO, MONACO DIVERSIFIED CORPORATION [DE 86]

**Request for
Judicial Notice
filed:**
2/23/09

Request for Judicial Notice in Support of Motion for Order Dismissing the First, Second, Third and Fourth Claims for Relief with Prejudice Against Anthony Monaco, Susan K. Monaco and Monaco Diversified Corporation Pursuant to Fed. R. Civ. P. 12(b)(6); Memorandum of Points and Authorities with Certificate of Service with Certificate of Service Filed by RICHARD F. HOLLEY on behalf of ANTHONY MONACO, SUSAN K MONACO, MONACO DIVERSIFIED CORPORATION [DE 90]

Response filed: Response to MONACO DEFENDANTS' Motion to Dismiss with Certificate of Service Filed by MICHAEL YODER on behalf of USACM LIQUIDATING TRUST [DE 103]
3/10/09



1 **Reply filed:**

2 3/13/09

3 *Reply To Response To Monaco Defendants' Motion For Order*
 4 *Dismissing The First, Second, Third And Fourth Claims For*
 5 *Relief With Prejudice Against Anthony Monaco, Susan K. Monaco*
 6 *And Monaco Diversified Corporation Pursuant To Fed. R. Civ. P.*
 7 *12(b)(6) Filed by OGONNA M. ATAMOH on behalf of*
 8 *ANTHONY MONACO, SUSAN K MONACO, MONACO*
 9 *DIVERSIFIED CORPORATION [DE 112]*

10 **Status**

11 Ready to proceed.

12 **10. Status Hearing Re: Third Amended Complaint:** Adv. 07-01154-lbr;
 13 USACM Liquidating Trust v. J.M.K. Investments, Ltd. & Simon Family Trust & Steven
 14 Portnoff & JWB Investments, Inc. & Brouwers Family LP & Larry C Johns & Mary L
 15 Johns & Paul Bloch Living Trust & Roni Amid & Robert M Portnoff & Sarah Portnoff &
 16 Morningside Homes, Inc. & Aurora Investments LP & Steven Janovitch & Linda
 17 Janovitch & First Savings Bank & the Marvin & Valliera Myers Trust & Larry J
 18 Middleton & Jennifer Middleton & Alabruj Limited Partnership & Francis Family Trust &
 19 First Savings Bank fbo Valliera McGuire

20 **Third Amended
Complaint filed:**

21 7/28/08

22 Third Amended Complaint Filed by STEPHEN T LODEN on
 23 behalf of USACM LIQUIDATING TRUST against all defendants
 24 [DE 150]

25 **Order filed:**

26 3/27/09

27 Order Re Status Hearing. Status hearing to be held on 4/10/2009
 28 at 09:30 AM at LBR-Courtroom 1, Foley Federal Bldg. [DE 201]

29 **Status:**

30 Settlement approved on 11/24/08 [DE 6629 in Bankruptcy Case]

31 **11. Amended Objection to Claim 10725-02572 of Augustine Tuffanelli
Family Trust in the amount of \$100,000.00 (Amended to Correct Claim Number
Only):** 06-10725-lbr, USA COMMERCIAL MORTGAGE COMPANY Chapter: 11

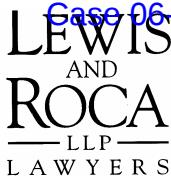
32 **Objection filed:**

33 2/26/09

34 Amended Objection to Claim 10725-02572 of Augustine
 35 Tuffanelli Family Trust in the amount of \$100,000.00 (*Amended
36 to Correct Claim Number Only*) with Certificate of Service Filed
 37 by JOHN HINDERAKER on behalf of USACM LIQUIDATING
 38 TRUST [DE 6864]

39 **Status**

40 No response filed.



1

2 12. **First Omnibus Objection to Proofs of Claim Based Upon Investment in**
3 **the Del Valle Homes, LLC Isleton Loan Except for Amounts Designated as**
4 **“Unremitted Principal”:** 06-10725-lbr, USA COMMERCIAL MORTGAGE
COMPANY Chapter: 11

5 **Objection filed:** *First Omnibus Objection to Proofs of Claim Based Upon*
6 3/02/09 *Investment in the Del Valle Homes, LLC Isleton Loan Except for*
7 *Amounts Designated as "Unremitted Principal" with Certificate*
8 *of Service Filed by JOHN HINDERAKER on behalf of USACM*
9 *LIQUIDATING TRUST [DE 6872]*

10 **Status** No response filed.

11 13. **Second Omnibus Objection to Proofs of Claim Based, in Whole or In**
12 **Part, Upon Investment in Del Valle Homes, LLC Isleton Loan Except for Amounts**
13 **Designated as “Unremitted Principal”:** 06-10725-lbr, USA COMMERCIAL
14 MORTGAGE COMPANY Chapter: 11

15 **Objection filed:** *Second Omnibus Objection to Proofs of Claim Based, in Whole or*
16 3/03/09 *In Part, Upon Investment in Del Valle Homes, LLC Isleton Loan*
17 *Except for Amounts Designated as "Unremitted Principal" with*
18 *Certificate of Service Filed by JOHN HINDERAKER on behalf*
19 *of USACM LIQUIDATING TRUST [DE 6881]*

20 **Status** No response filed.

21 14. **Third Omnibus Objection to Proofs of Claim Based, In Whole Or In**
22 **Part, Upon Investment In Del Valle Homes, LLC Isleton Loan Except for Amounts**
23 **Designated as Unremitted Principal:** 06-10725-lbr, USA COMMERCIAL
24 MORTGAGE COMPANY Chapter: 11

25 **Objection filed:** *Third Omnibus Objection to Proofs of Claim Based, In Whole Or*
26 3/03/09 *In Part, Upon Investment In Del Valle Homes, LLC Isleton Loan*
27 *Except for Amounts Designated as Unremitted Principal with*
28 *Certificate of Service Filed by JOHN HINDERAKER on behalf*
29 *of USACM LIQUIDATING TRUST [DE 6883]*

30 **Status** No response filed.



1

2 **15. Fourth Omnibus Objection of USACM Trust to Proofs of Claim Based,
3 in Whole or in Part, Upon Investment in Del Valle Homes, LLC Isleton Loan Except
4 for Amounts Designated as Unremitted Principal:** 06-10725-lbr, USA
COMMERCIAL MORTGAGE COMPANY Chapter: 11

5 **Objection filed:** *Fourth Omnibus Objection of USACM Trust to Proofs of Claim
3/03/09 Based, in Whole or in Part, Upon Investment in Del Valle Homes,
6 LLC Isleton Loan Except for Amounts Designated as Unremitted
7 Principal* with Certificate of Service Filed by JOHN
HINDERAKER on behalf of USACM LIQUIDATING TRUST
[DE 6885]

8 **Status** No response filed.

10 **16. Objection to Claim 10725-02576 of Kyong Austin in the amount of
11 \$61,293.43 as Filed in Wrong Debtor's Case and Not Timely Filed:** 06-10725-lbr,
USA COMMERCIAL MORTGAGE COMPANY Chapter: 11

12 **Objection filed:** Objection to Claim 10725-02576 of Kyong Austin in the amount
13 3/03/09 of \$61,293.43 *as Filed in Wrong Debtor's Case and Not Timely
14 Filed* with Certificate of Service Filed by JOHN HINDERAKER
on behalf of USACM LIQUIDATING TRUST [DE 6890]

15 **Status** No response filed.

17 **17. Objection to Claim 10725-01104 of William Daniel Carter in the amount
18 of \$107,998.21 as Duplicative and \$75,000 of Claim 10725-01299 as Based in Part
19 Upon an Investment in FTDF:** 06-10725-lbr, USA COMMERCIAL MORTGAGE
COMPANY Chapter: 11

20 **Objection filed:** Objection to Claim 10725-01104 of William Daniel Carter in the
21 3/04/09 amount of \$107,998.21 *as Duplicative and \$75,000 of Claim
22 10725-01299 as Based in Part Upon an Investment in FTDF* with
Certificate of Service Filed by JOHN HINDERAKER on behalf
of USACM LIQUIDATING TRUST [DE 6892]

23 **Status** No response filed.

24 **18. Motion to Interpret the USA Capital Reorganization Plan with Respect
25 to Professionals Liability:** 06-10725-lbr, USA COMMERCIAL MORTGAGE
COMPANY Chapter: 11



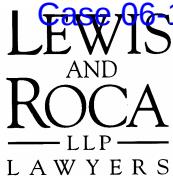
1 **Motion filed:** *Motion to Interpret the USA Capital Reorganization Plan with*
 2 3/04/09 *Respect to Professionals Liability* Filed by JEFFREY A. COGAN
 3 on behalf of Alfred Olsen, Jr. [DE 6894]
 4 **Response filed:** *Response To Motion To Interpret The USA Capital*
 5 3/23/09 *Reorganization Plan With Respect To Professionals Liability* with
 6 Certificate of Service Filed by ROB CHARLES on behalf of
 7 USACM LIQUIDATING TRUST [DE 6954]
 8 **Response filed:** *Response USA Commercial Mortgage Company's Response To*
 9 3/23/09 *Motion To Interpret The USA Capital Reorganization Plan With*
 10 *Respect To Professional Liability* Filed by JEANETTE E.
 11 MCPHERSON on behalf of USA COMMERCIAL MORTGAGE
 12 COMPANY [DE 6955]
 13 **Status** The parties will present oral argument on the motion.
 14

15 19. **Objection to Claim 10725-00489 of Lloyd Blair in the amount of**
 16 **\$960,946.48 Filed in Wrong Debtor's Case; Objection of DTDF to Proposed**
 17 **Allowance of Claim:** 06-10725-lbr, USA COMMERCIAL MORTGAGE COMPANY
 18 Chapter: 11

19 **Objection filed:** Objection to Claim 10725-00489 of Lloyd Blair in the amount of
 20 3/11/09 *\$960,946.48 Filed in Wrong Debtor's Case; Objection of DTDF*
 21 *to Proposed Allowance of Claim* with Certificate of Service Filed
 22 by JOHN HINDERAKER on behalf of USACM LIQUIDATING
 23 TRUST [DE 6925]
 24 **Status** No response filed.
 25

26 20. **Motion for Leave to File First Amended Complaint:** Adv. 08-01132-lbr,
 27 USA Capital Diversified Trust Deed Fund LLC v. Fulton

28 **Motion filed:** *Motion for Leave to File First Amended Complaint* with
 29 3/16/09 Certificate of Service Filed by MICHAEL YODER on behalf of
 30 USA CAPITAL DIVERSIFIED TRUST DEED FUND LLC [DE
 31 43]
 32 **Stipulation**
 33 **approved:** *Stipulation and Order Regarding the Filing of Plaintiff's First*
 34 4/06/09 *Amended Complaint* [DE 48]
 35 **Status** Hearing vacated.
 36



1

2 Dated April 7, 2009.

2

3 **LEWIS AND ROCA LLP**

4

5 By: /s/ RC (#6593)

6 Susan M. Freeman, AZ 4199 (*pro hac vice*)

7 Rob Charles, NV 6593

8 John Hinderaker, AZ 18024 (*pro hac vice*)

9 *Counsel for USACM Liquidating Trust*

7

10 PROOF OF SERVICE

8

9 COPY of the aforementioned sent via e-
10 mail or U.S. First Class Mail on April 7,
11 2009 to the parties listed on Post-Effective
12 Official Service List for Limited Notice
13 No. 5 Dated March 31, 2009.

14

15 /s/ Carrie Lawrence

16 Carrie Lawrence

17 Lewis and Roca LLP

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